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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/803,342	03/09/2001	Faramarz Farahi	33377/196876	7331

826 7590 02/10/2003

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EXAMINER

ULLAH, AKM E

ART UNIT	PAPER NUMBER
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2874

DATE MAILED: 02/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

09/803,342

Applicant(s)

FARAH, FARAMARZ

Examiner

Akm Enayet Ullah

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 30days MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 97-132 is/are pending in the application.
- 4a) Of the above claim(s) 1-96 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) 97-132 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

An Election/Restrictions of Species is set forth as follows:

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 97-117, drawn to an optoelectronic device comprising a substrate which consists of sol-gel based material and an active region, classified in class 385, subclass 14.
- II. Claims 118 - 119, drawn to an optoelectronic device comprising a substrate, a core layer, a first cladding layer and a second cladding layer having different refractive index, classified in class 385, subclass 126.
- III. Claims 120 - 123, drawn to an optoelectronic device comprising a substrate which consists of sol-gel based material, an active region and a grating structure which formed on the active region, an electrode plate on active region along with voltage application to alter the index of refraction of the active region, classified in class 427, subclass 457.
- IV. Claims 124 –132, drawn to a multi-dimensional optoelectronic device having two optical interconnect formed on the same surface, classified in class 385, subclass 129.

Art Unit: 2874

Inventions I, II, III and IV are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions Group I, claims 97-117 refers to a device where substrate includes sol-gel material and an active region whereas in invention Group II, claims 118-119 refers to a device having substrate having a core layer and two cladding regions along with different index of refraction. Group I have no relation with Group II since Group I has no temperature control while Group II requires it because of formation of layer. Thus, Group I differ from Group II. Group I also differ from Group III because group III, claims 120-123, refers at least one electrode plate on active region & voltage being applied which has no relation with Group I or Group II. Group I, claims 97 –117 has also no relation with Group IV because of multi-dimensional optoelectronic device having a first optical and second optical interconnect formed on a surface which has no relation with Group I or II or Group III.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, a separate status in the art because of their recognized divergent matter and the search required for invention I is not required for II or III or IV. Thus, this restriction for examination purposes as indicated is proper.


Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is given thirty (30) days from the date of this letter to provide this list and selection to avoid the question of abandonment.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akm Enayet Ullah whose telephone number is 703-308-4885. The examiner can normally be reached on Mon.-Fri. 6:30-5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on 703-3084819. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7721 for regular communications and 703-308-7721 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.


Akm Enayet Ullah
Primary Examiner
Art Unit 2874